

# Nebraska Department of Environment & Energy Update

Environment, Health, & Safety Summit  
September 22, 2022



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# Overview

- Organization Update
- Regulation Update
- New Industrial Stormwater Permit
- Protein Line Issues (Maximized Stillage Co-products)
- Carbon Capture Plants
- Variances
- Public Interest
- Agency Contacts

# Organization Update

- Retirements & Resignations
  - Cay Ewoldt (NPDES Permit Supv)
  - Ryan Phillips (Fiscal Supv)
  - Sue Dempsey (DW/GW Division Admin)
  - Annette Kovar (Legal)
  - Belinda Fowler (Assistance)
- Promotions & Transfers
  - Laura Johnson (DW/GW Division Admin)
  - Dan Ross (Water Planning Supv)
  - Brad Edeal (Ag Compliance Supv)
  - Katie Svoboda (Waste, Air, Energy Grants Supv)
  - Andrew Hug (Energy)
  - Dane Pauley (404 Supv)



# Regulation Updates

- Title 124 – Onsite Wastewater Treatment Systems (effective June 27, 2022)
- Title 129 – Nebraska Air Quality Regulations with Governor
- Nov 10, 2022 – Tentative EQC Meeting
  - Title 118 – Groundwater Quality Standards and Use Classification
  - Title 119 – Rules and Regulations Pertaining to the Issuance of Permits under the National Pollutant Discharge Elimination System (maybe??)
  - 2023 Litter Percent Allocation

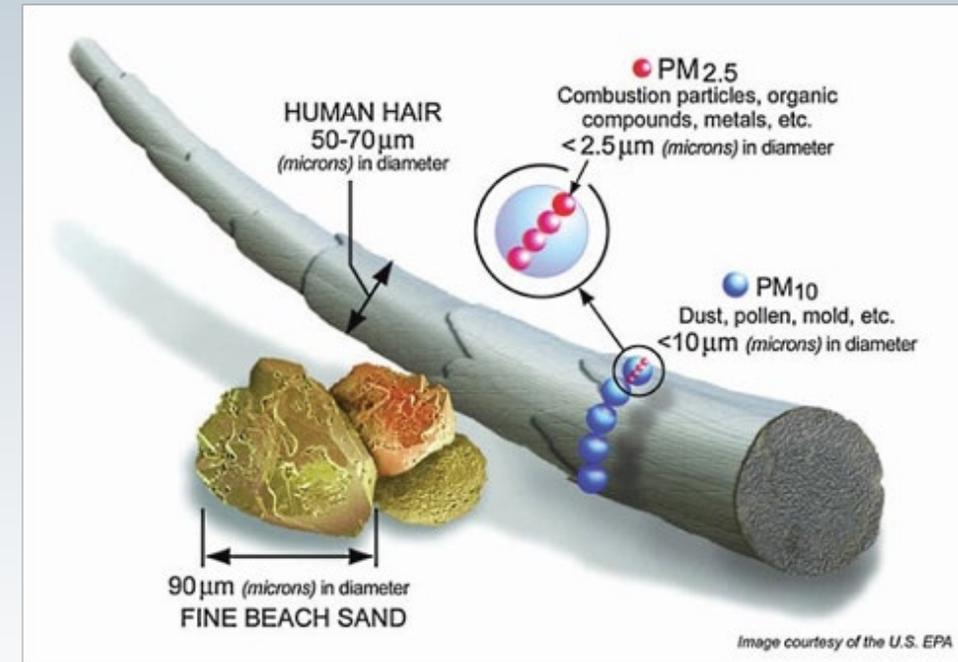


# Regulation Updates

- EPA Reconsidering  $PM_{2.5}$  Standards
  - On June 10, 2021, EPA announced reconsideration of December 7, 2020, decision
  - Currently, Annual Standard:  $12.0 \mu\text{g}/\text{m}^3$ ; 24-hr Standard:  $35 \mu\text{g}/\text{m}^3$
  - Clean Air Science Advisory Committee (CASAC) reviewed and commented on:
    - Integrated Science Assessment
    - Policy Assessment
  - EPA staff indicate that science supports revising Annual Standard somewhere between  **$8.0 \mu\text{g}/\text{m}^3$  and  $10.0 \mu\text{g}/\text{m}^3$**
  - EPA plans to propose decision in 2022; final rule in 2023

# Regulation Updates

- EPA Reconsidering  $PM_{2.5}$  Standards (continued)
  - Nebraska's design value (annual mean, averaged over 3 yrs) is currently ranges between  $6.0 \mu\text{g}/\text{m}^3$  to  $8.3 \mu\text{g}/\text{m}^3$
- EPA Issued a Finding of Failure to Submit a Regional Haze SIP to Nebraska on August 25, 2022



# Regulation Updates

- EPA reviewing ethylene oxide sterilization rule, the Miscellaneous Organic Chemical rule & EtO use as a pesticide
- EPA is focused on enhanced community engagement in 23 locations
- Columbus, NE is included
- EPA held 2 meetings on 9/21/2022



# Industrial Stormwater Permit

- General Permit effective April 1, 2022
- Deadline to renew coverage is September 28, 2022
- Online portal for Notice of Intent or No Exposure Certifications

<https://ecmp.nebraska.gov/DEQ-isw/Account/Login?ReturnUrl=%2fDEQ-isw>

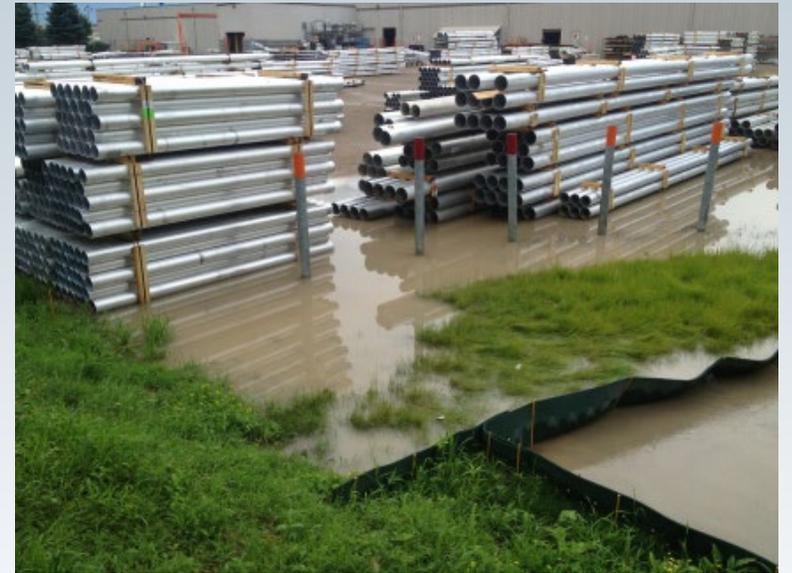


Photo Courtesy of Minnesota Pollution Control Agency

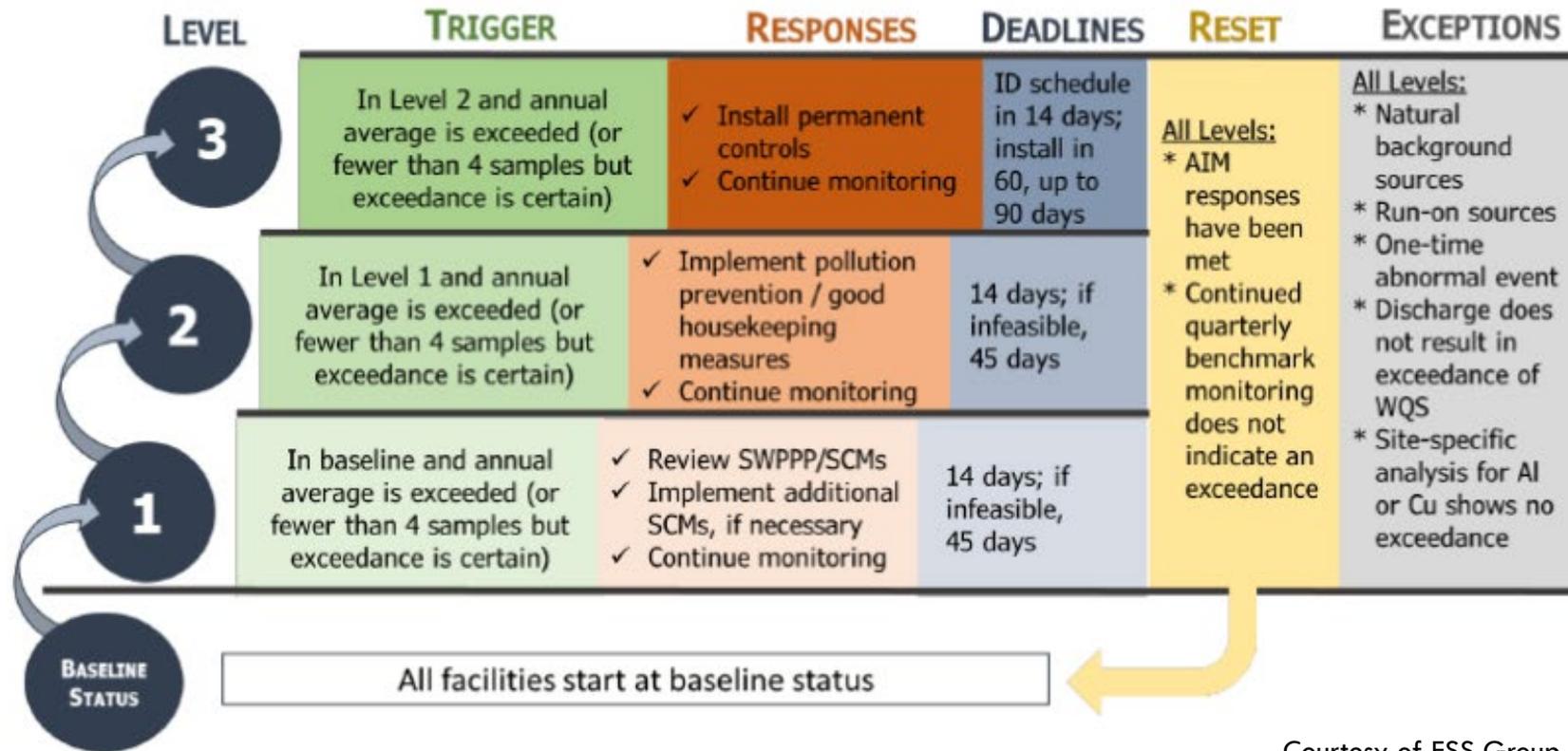


# Industrial Stormwater Permit

- Additional Implementation Measures (AIM) is NEW
  - Outlines corrective actions and steps required for benchmark exceedances
  - 3-level response providing a follow up process
  - Apply on a pollutant parameter-specific per discharge point basis

# Industrial Stormwater Permit

## Additional Implementation Measures (AIM) for benchmark exceedances



Courtesy of ESS Group, Inc.

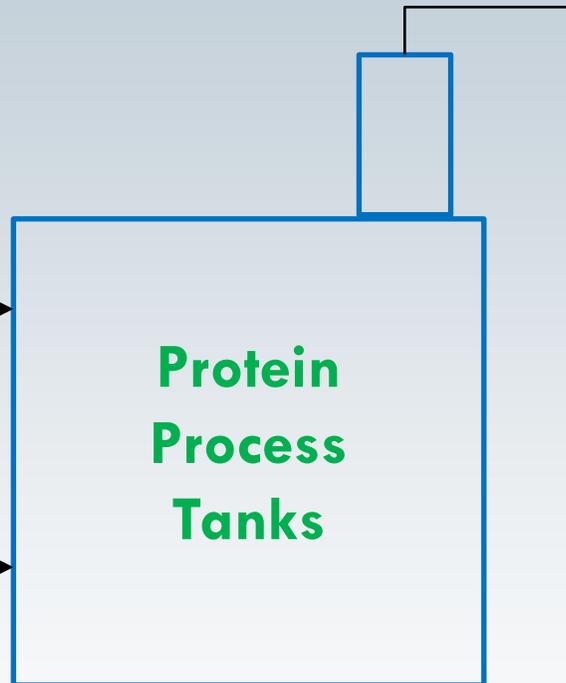
# Protein Line Issues

## Water Supply:

It is important to understand **composition** water supply stream to the process (e.g.: scrubber bottoms, etc)

## Temperature:

Process is typically held at above BP temperature of VOCs present (i.e.: ethanol).



## Emissions:

If emission point from building releases into atmosphere it is important to re-evaluate PTE calculations in particular for VOC and HAPs. Ideas for evaluation can be engineering testing, stack testing, process simulation models etc.

# Carbon Capture Plants

- NDEE received 6 applications for CO<sub>2</sub> capture conducted by a third party adjacent to ethanol facilities;
- Other potential projects being discussed are CO<sub>2</sub> capture plants owned and operated by the ethanol plant;
- Permitting considerations include single source determination between the CO<sub>2</sub> plant and ethanol plant if not owned by same company.

## Proposed routes through Nebraska

- Summit Carbon Solutions
- Navigator Ventures



maps4news.com/@HERE, Lee Enterprises graphic

# Variations

- At the discretion of the Director
- EPA Permit Program Review
- Neb. Rev. Stat. 81-1513(7) states: *“No variance shall be granted which will sanction any violation of state or federal statutes or regulations.”*
- EPA views variations as sanctioning a violation of federal statute or regulation when a variance is issued for PSD and/or synthetic minor projects

# Public Interest

- Seeing an uptick in public participation
  - Calls before facility applies for permits
  - Public comments on permits
    - Interest groups
    - Nebraska citizens
  - Requests for public hearings
    - Industrial Stormwater Permit (held Nov 12, 2021)
    - CAFO General NPDES Permit (hearing on Sept 29, 2022)
    - OPPD Standing Bear Station Air Construction Permit (hearing on Oct 4, 2022)
    - OPPD Turtle Creek Station Air Construction Permit (hearing on October 13, 2022)
    - Norfolk Crush Air Construction Permit and NPDES Permit (hearing late Oct/early Nov)



# Upcoming Opportunities

- Working with Midwest Environmental Compliance Conference (MECC) to provide 2 webinars in October
- October 25, 2022 9am – Noon
  - Title 129 updates
  - Air Quality Construction Permit Program
- October 31, 2022 9am – Noon
  - Air Quality Operating Permit Program
  - General Permits
  - Compliance Tips



# Agency Contacts

- Air Construction Permits – Pati West 471-3518
- Air Operating Permits – David Christensen 471-4204
- WW/DW/On-Site Engineering – Chin Chew 471-0522
- NPDES Permitting – currently vacant
- Waste Permitting – Dan LeMaistre 471-4495
- Air Compliance – Matt Turco 471-6087
- Waste Compliance – Jeff Edwards 471-7408
- NPDES Compliance – Reuel Anderson 471-1367

Email: [NDEE.MoreInfo@nebraska.gov](mailto:NDEE.MoreInfo@nebraska.gov)



Questions?

